

COMMITTEE ON BILLS ON SECOND READING

March 26, 2002

6:00 PM

Chairman Wihby called the meeting to order.

The Clerk calls the roll.

Present: Aldermen Wihby, Sysyn, DeVries, Smith, Forest

Messrs: Deputy Chief Albin

Chairman Wihby stated I would like to take Items 3, 4, and 5 together.

Ordinance Amendment:

“Amending Sections 33.024, 33.025 and 33.026 (Licensed Practical Nurse, Airport Security Specialist) of the Code of Ordinances of the City of Manchester.”

Ordinance Amendment:

“Amending Sections 33.024, 33.025 and 33.026 (Airport Shift Supervisor, Airport Communications/Operations Specialist) of the Code of Ordinances of the City of Manchester.”

Ordinance Amendment:

“Amending Section 33.024 (Part-time Police Officers) of the Code of ordinances of the City of Manchester.”

On motion of Alderman DeVries, duly seconded by Alderman Sysyn, it was voted that the above ordinance amendments ought to pass.

Chairman Wihby addressed Item 6 of the agenda:

Ordinance Amendment:

“Amending Chapter 92: Fire Prevention of the Code of Ordinances of the City of Manchester by increasing the charges in Section 92.22 (C) and 92.22(D) for fire alarm system inspections performed by the Manchester Fire Department.”

Alderman DeVries moved that the Ordinance Amendment ought to pass.

Chairman Wihby asked has this already been somewhere else first.

Deputy Chief Albin answered yes it went through the Committee on Administration.

Alderman Smith asked are you going to make sure that you inform all of the people of this increase.

Deputy Chief Albin answered absolutely. The plan is that once this is approved we will distribute it in the Building Department. We also have a database of everybody who is registered and does business with us and we intend to file paperwork transmit this via the US mail.

Alderman Smith duly seconded the motion. Chairman Wihby called for a vote. There being none opposed, the motion carried.

Chairman Wihby addressed Item 7 of the agenda:

Ordinance Amendment:

“Amending Section 33.027(D) and 33.027(F), Employee Recruitment and Selection of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Forest, duly seconded by Alderman Sysyn, it was voted that this Ordinance Amendment ought to pass.

Chairman Wihby addressed Item 8 of the agenda:

Ordinance Amendment:

“Amending Section 33.012 Maintenance of Plans of the Code of Ordinances of the City of Manchester by deleting language referencing maintenance of class specifications from Section (A) Responsibilities of the Human Resources Director.”

Chairman Wihby noted that it is the recommendation of the Human Resources Director that this item be tabled.

On motion of Alderman Sysyn, duly seconded by Alderman Smith, it was voted to table this item.

Chairman Wihby addressed Item 9 of the agenda:

Ordinance Amendment:

“Amending the Code of Ordinances of the City of Manchester by inserting a new subsection to Section 97.34 Encumbrances Prohibited relating to newspaper distribution boxes.”

Chairman Wihby stated this ordinance amendment hasn't gone to another Committee. Basically there was concern with having boxes on public streets or sidewalks, not on private land but only on public parts.

Alderman Forest asked who is going to regulate where they go and where they don't go.

Chairman Wihby answered the Public Works Director.

Alderman Forest asked so are they going to have to apply for a permit to put them somewhere.

Chairman Wihby replied before they put anything up on public property they would have to go to the Public Works Director and he would check out the location and see if it is alright and then it would probably go to Risk Management to see if there was any problem with liability insurance and then they would okay it. We wouldn't see it again and we are only talking public, not private.

Alderman DeVries asked does this include the civic center.

Chairman Wihby answered it includes all sidewalks and streets that are public property. This problem, I think, came up because of Hippo Press and where they put their boxes. The *Union Leader* was telling me that they always put theirs on private property anyway.

Mr. John Whalen of the *Union Leader* stated we put ours on private property. If we do go on public property than we will have to follow whatever the ordinance says.

Alderman Smith stated I am sure that Frank Thomas will take care of the situation because we have problems plowing and so forth so they won't obstruct the sidewalk.

On motion of Alderman Smith, duly seconded by Alderman Sysyn, it was voted that the Ordinance amendment ought to pass.

Chairman Wihby addressed Item 10 of the agenda:

Communication from Alderman Shea requesting that Ordinance 151.41(C) Parking Trailers Outside Parks be amended to include the following prohibitions:

- No trailer shall be parked on private property closer than 20 feet from an abutting property;
- Trailers parked on private property shall not be inhabited (no one to be living in them); and
- Trailers parked on private property pursuant to this section shall not be seen from the street

Chairman Wihby stated I spoke to Alderman Shea who submitted this. He is talking basically about a mobile home with the engine running and that is all he pretty much cares about. The Solicitor's Office said they could sit down and draft something if we want to table it and then they will come back with an Ordinance.

On motion of Alderman Smith, duly seconded by Alderman Forest, it was voted to table this item.

Alderman Forest stated it says trailers and I guess Alderman Shea is concerned about engines running and I don't think trailers have engines on them unless it is a freezer unit or something.

Deputy Solicitor Arnold replied we will have to deal with that. I think he is talking about mobile homes with a generator in it that is running.

Alderman DeVries stated some of it is also covered within the current ordinance. The definition of a trailer would be a mobile home as well; any occupied vehicle. I am sure that will be worked out.

Chairman Wihby stated I guess there were a lot of phone calls because people thought he was trying to get rid of them all together on their property. That is not what he was trying to do. He was more concerned about the engine running next to a house.

Chairman Wihby addressed Item 11 of the agenda:

Communication from Georgie Reagan, Arts Commission Chairman, requesting an amendment to Ordinance 32.026 reflecting five members of the Arts Commission to be nominated by the Mayor and confirmed by the Board of Mayor and Aldermen. The two members to be added should have initial terms expiring December 2003 and December 2004 respectively.

On motion of Alderman DeVries duly seconded by Alderman Smith, it was voted that this Ordinance amendment ought to pass.

Chairman Wihby addressed Item 12 of the agenda:

Ordinance Amendments:

“Amending Chapter 38: Code Enforcement of the Code of Ordinances of the City of Manchester by inserting new penalties in Section 38.06(A): Citation Penalties for various violations of Chapter 91: Health and Sanitation” and

“Amending the Code of Ordinances of the City of Manchester by removing Chapter 50: Solid Waste and removing portions of Chapter 130: General Offenses relating to littering and placing these sections within Chapter 91: Health and Sanitation.”

Alderman Forest moved that the Ordinance Amendment ought to pass. Alderman Sysyn duly seconded the motion.

Chairman Wihby asked Mr. Rusczek to come forward. We took this up a long time ago if this is the same one. Alderman Cashin was concerned about...remember we had a meeting over at the civic center upstairs. Is this the same one? It has been sitting around for that long?

Mr. Rusczek answered the difference from what we had in the past is this actually incorporates some of the Highway regulations within one ordinance and just makes it cleaner and neater.

Chairman Wihby asked remember the discussion at the time was that if we had problems we wanted them or someone else to go out there and write them up...was it Highway.

Mr. Rusczek answered exactly. By bringing Highway under here, the Highway Department will have the same powers to write tickets that the Health Department does.

Chairman Wihby replied so basically this is the same thing that we did. We just never passed it before? That was a long time ago.

Mr. Rusczek responded it has been going around. There have been a couple of things. One of them is there is some renumbering, no changes in citation penalties but some renumbering and the other was just to move the former Chapter 50, which is Highway stuff, under the Chapter 91, Health and Sanitation, to make a clean delineation of all of the requirements in one area.

Chairman Wihby asked so it is different than what we voted on before. It is not tabled so it had to have come up once before and we passed it and then now you are fixing it again. Is there any change from when we passed it the last time?

Mr. Rusczek answered the change is that Chapter 50, which is not a Health chapter but a Highway chapter, is being moved over and incorporated under Health and Sanitation so that Frank and his crew can be empowered to write tickets.

Chairman Wihby asked but when we passed it last time that was our intention it just wasn't done right.

Mr. Rusczek answered I guess I would defer to Tom Arnold.

Deputy Solicitor Arnold replied I don't recall. I know that we dealt with it before but I don't recall exactly what happened.

Alderman Forest stated I believe it came through the Administration Committee a while back.

Deputy Solicitor Arnold stated it may have been referred to both Committees.

Alderman Forest replied right and I think there was some language added as to who was going to enforce it and why and I think that is why it came back here. It had to do with enforcement. I think there was some teeth added as far as Fred's department and the Police Department and Frank's department can enforce it.

Mr. Rusczek stated the new language relates to the toters downtown. If you look under definitions it says downtown toter area and definition of toter. Under containers...also the changes that Highway was making sets a maximize size for garbage containers in Section 91.66. Those are some of the new changes. There is no real change in the content other than that. It is incorporation of Highway regulations in here.

Chairman Wihby stated this also helps us clean up better because we can issue more violations or Highway can issue the violations.

On motion of Alderman Forest, duly seconded by Alderman Sysyn, it was voted that the Ordinances ought to pass as amended.

TABLED ITEMS

13. Communications relative to light pollution.

Chairman Wihby asked do we need Items 13 and 14. These have been hanging around for quite awhile.

Alderman Sysyn stated on Item 13 you are waiting for something from the Planning Department.

Chairman Wihby stated I don't think the Planning Department is doing anything. I think they look at it when they...where did we send it. Leo, do you know where it is?

Clerk Bernier stated you send it to the Planning Department for review. If you would like I can send a letter and follow-up on it with Bob MacKenzie.

14. Referral by BMA of potential changes including income limits to the property tax exemptions.

Chairman Wihby asked where is this. It is sitting there but the budget it already done. We can't just change it in the middle of the year.

Clerk Bernier asked do you want me to send a letter to the Assessor's Office so they can give you an update.

Chairman Wihby stated I think they already responded that they didn't want to do it and somehow it ended up over here. This was going to cost a lot of money. Can't we just refer it to the Mayor's Office to see if he wants to do it in his budget. Tom, do you know what this is?

Deputy Solicitor Arnold stated I remember that the Committee on Administration posed a question as to whether the income limits could be put forth in a step fashion and there was one other question that was posed that slips my mind. I think they were both answered. I don't know why this is here.

Chairman Wihby stated from what I remember it was going to be in the \$1 million range if we did something and that is why it was tabled and the Assessors were totally against it. Now it is just sitting here. There is no sense in keeping stuff on here if we are never going to take it up.

Alderman Sysyn stated we did pass some of this.

On motion of Alderman Sysyn, duly seconded by Alderman DeVries, it was voted to remove this item from the table.

On motion of Alderman Sysyn, duly seconded by Alderman Forest it was voted to receive and file this item.

15. Communication from Rabbi Jacob Rosner requesting changes to the City Charter relative to dates of municipal primary elections.

On motion of Alderman Sysyn, duly seconded by Alderman Smith, it was voted to remove this item from the table.

Clerk Bernier stated I did hand out a charter amendment question.

Deputy Solicitor Arnold stated basically what the amendment provides is that if the date specified in the Charter falls on a religious or secular holiday, upon petition signed by 200 registered voters within the City of Manchester, the Board of Mayor and Aldermen could move the date if they chose to do so.

Alderman Forest stated and according to this it is not going to happen again for five more years.

Clerk Bernier replied yes but there are other religious groups in the City of Manchester. If you look...I guess the important thing on this amendment to the Charter is the last sentence, "petitions should be submitted to the City Clerk no sooner than December 1 and no later than January 2 prior to the municipal primary election." We can only do this in a municipal election, not a State election.

Chairman Wihby asked because the State sets the date.

Clerk Bernier answered that is correct.

Chairman Wihby asked and they can only do it from December 1 until January 2.

Deputy Solicitor Arnold stated they have to submit it at that time, yes. That was done because of the political calendar that needs to be drafted and so the Board

would have enough time to act on it so that new dates and arrangements could be made. Basically it was set at that timeframe because the Charter, as you know, calls for the City Clerk in consultation with the City Solicitor to draft a political calendar that lists various dates. That section of the Charter goes on to say that if anybody acts in conformity with the political calendar that is put out that it is deemed to be done properly so we needed to know if there was going to be a change in the election day so that we could take that into account when the political calendar is drafted pursuant to the Charter.

Chairman Wihby asked so in the month of December they come in, they give you a petition and then the Aldermen have until the middle of January to act.

Deputy Solicitor Arnold answered you would have 40 days from whenever it is submitted to act.

Chairman Wihby stated it could be the middle of February.

Deputy Solicitor Arnold replied depending on when it is submitted.

Chairman Wihby asked and then we are talking about for the September election.

Deputy Solicitor Arnold answered September or November.

Clerk Bernier stated the reason we put December until January is because the political calendar has to be prepared because we usually get calls to find out when the primary date is set in the early part of the year so we need to address that early.

Alderman DeVries asked is this likely to set up a scenario where we are required to hold two elections, one to satisfy the State and one to satisfy the municipal.

Clerk Bernier answered no. The State elections are set by the State on even years. The municipal elections are on odd years.

Chairman Wihby asked is there any time where there will be a State election on a municipal ballot.

Clerk Bernier answered no.

Chairman Wihby asked is State rep on our ballot. Didn't we just have one?

Clerk Bernier answered that was a special election.

Chairman Wihby asked when you order a special election is that ordered by the State.

Clerk Bernier answered yes.

Chairman Wihby asked so will they work with us around the date of our municipal or will they set a special election date.

Clerk Bernier answered they would work with us.

Alderman DeVries asked, Leo, do you have any concerns with the wording of this.

Clerk Bernier answered no. Our office worked with the Solicitor's Office on this.

On motion of Alderman DeVries, duly seconded by Alderman Smith, it was voted to recommend that the Board of Mayor and Aldermen refer the Charter amendment question to a public hearing to be held on August 27, 2002.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Forest, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee